IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

OP.No. 6095 of 1998(A)

PETITIONER:

M/S.IDEAL CRUMB RUBBER FACTORY,
SREEKRISHNAPURAM, KOTTAPURAM P.O.,
OTTAPALAM TALUK, PALAKKAD DISTRICT,
REP.BY ITS PARTNER, C.V.MOHAMED ALI.

BY ADV. SRI.N.HARIDAS,C.S.MANU

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY ITS CHIEF SECRETARY,**
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **KERALA STATE ELECTRICITY BOARD,**
   VYDUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM
   REP.BY ITS SECRETARY.

3. **CHIEF ENGINEER, KERALA STATE ELECTRICITY BOARD,**
   THERMAL AND COMMERCIAL,
   CYDUTHI BHAVAN, PATTOM,
   THIRUVANANTHAPURAM.

4. **SPECIAL OFFICER (REVENUE), KERALA**
   STATE ELECTRICITY BOARD,
   VYDUTHI BHAVANAM, PATTOM
   PALACE P.O., THIRUVANANTHAPURAM 4.

5. **EXECUTIVE ENGINEER, ELECTRICAL DIVISION,**
   KERALA STATE ELECTRICITY BOARD,
   PALAKKAD.

tss

**6. ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
SREEKRISHNAPURAM, OTTAPALAM TALUK,
PALAKKAD DISTRICT.**

**BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN**

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

OP. NO.6095/1998

ORDER ON CMP. NO.10861/1998 IN OP. NO.6095/1998

DISMISSED

04.09.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT. 2.4.96 ISSUED BY THE CHIEF ENGINEER KSEB TO THE PETITIONER.

EXT.P2:- COPY OF THE ORDER NO.DB 1/HT/ICRF/96-97 /561 DT.27.9.96 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.

EXT.P3:- COPY OF THE CERTIFICATE ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.

EXT.P4:- COPY OF THE LETTER DT. 20.11.96 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.

EXT.P5:- COPY OF THE LETTER DT. 30.5.907 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P6:- COPY OF THE ORDER DT. 7.1.97 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P7:- COPY OF THE PAPER REPORT APPEARED IN MALAYALA MANORAMA DAILY DT. 4.2.97.

EXT.P8:- COPY OF THE NEWS ITEM APPEARED IN THE MANGALAM MALAYALAM DAILY DT. 25.1.98.

EXT.P9:- COPY OF THE LETTER DT. 24.2.98 SUBMITTED BY THE PETITIONER FIRM TO THE 3RD RESPONDENT.

EXT.P10:- COPY OF THE COVERING LETTER DT. 13.3.98 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P10(a):- COPY OF THE INVOICE NO.4973 ISSUED BY THE 4TH RESPONDENT ALONG WITH EXT.P10 TO THE PETITIONER.

EXT.P10(b):- COPY OF THE CALCULATION SHEET ISSUED BY THE 4TH RESPONDENT ALONG WITH EXTS. P10& P10(a).

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.6095 OF 1998

Dated this the 4th day of September, 2007

JUDGMENT

The issue in this writ petition is regarding the rate at which the petitioner has to be charged for consumption of electrical energy during a particular period. By interim order dated 27.3.1998 on CMP No.10861/98, it was directed by this Court that if the petitioner's consumption of electrical energy is within the power quota allotted to him in the event of power cut, he shall not be charged for any part of the electrical energy consumed by him at the rate applicable to EREB power. This, evidently, is in complete agreement of the decision of the Division Bench in W.A.No.808/98 dated 28.4.1998. It is the case of the petitioner that consumption of power by him is within the power quota allotted to him in the event of power cut. This is a position which is not disputed on facts since there is no counter affidavit on record.

In the aforesaid circumstances, the interim order dated 27.3.1998 on CMP No.10861/98 is made absolute and it is directed that the impugned orders will stand quashed to the extent they are contrary to the directions issued therein, which is hereby directed to be treated as the final orders in this writ petition.

The writ petition is disposed of as above.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.6095 OF 1998

JUDGMENT

4th SEPTEMBER, 2007.

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